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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,093	11/17/2003	Vesa Metsatahti	042933/269516	3262

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EXAMINER

HWANG, JOON H

ART UNIT

PAPER NUMBER

2166

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,093

Applicant(s)

METSATAHTI ET AL.

Examiner

Joon H. Hwang

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The claims 1-28 are pending.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: a calendar view 100 in fig. 1 (page 11, line 20) and a joint group 230 in fig. 2 (page 16, line 10). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "640" in fig. 4 has been used to designate both third instructions and a display (page 21, lines 20-29). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if

only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 5, 8, 18, and 28 are objected to because of the following informalities:
- "this" in 3rd line of claim 5 is unclear;
 - "the respective segment of time" in 3rd line of claim 8 should be "a respective segment of time";
 - "the respective segment of time" in 5th line of claim 18 should be "a respective segment of time"; and
 - "the visual representation" in 4th line of claim 28 should be "a visual representation".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Rothmuller et al. (U.S. Publication No. 2003/0033296).

With respect to claim 1, Rothmuller teaches first instructions for generating a media view that provides access to digital media files and associates digital media files with a period of time (i.e., image area 100 in fig. 1 and digital media files with timestamps, section 18 on page 2 and section 27 on page 3). Rothmuller teaches second instructions for generating an information identifier that is associated with items of information including at least one of a digital media file, a calendared event and a period of time, wherein the information identifier enhances identification of items of information (i.e., generating metadata tag icons associated with the media files, sections 4-6 on page 1 and sections 18-19 on page 2).

With respect to claim 2, Rothmuller teaches instructions for including the information identifier in metadata associated with the item of information (i.e., metadata tag icons associated with the media files, sections 4-6 on page 1 and sections 18-19 on page 2).

With respect to claim 3, Rothmuller teaches instructions for generating an information identifier that graphically alters a representation of the associated item of information (sections 39-40 on pages 4-5).

With respect to claim 4, Rothmuller teaches instructions for generating an information identifier that provides for a text note to be associated with the information identifier (section 6 on page 1 and sections 18-19 on page 2).

With respect to claim 5, Rothmuller teaches instructions for generating an information identifier that provides for a text note included in metadata associated with the digital media file (section 6 on page 1 and sections 18-19 on page 2).

With respect to claim 6, Rothmuller teaches third instructions for generating a calendar view that represents time in calendar format and associates events with respective time periods (section 21 on page 2 and fig. 4).

With respect to claim 7, Rothmuller teaches an information identifier associated with a calendar event that is displayed in the calendar view (section 21 on page 2 and fig. 4).

With respect to claim 8, Rothmuller teaches third instructions for generating a time bar that divides time into segments having a size that depends upon the digital media files in the media view associated with the respective segment of time (i.e., a timeline divided time into segments having a bar graph size that is based on a total number of digital media files, section 31 on pages 3-4 and fig. 3).

With respect to claim 9, Rothmuller teaches an information identifier associated with a period of time that is displayed in the time bar (section 31 on pages 3-4, section 8 on page 1, section 27 on page 3, and fig. 3).

With respect to claim 10, Rothmuller teaches an information identifier associated with a digital media file that is displayed in the media view (sections 4-6 on page 1, sections 18-19 on page 2, and fig. 1).

Claims 11-20 are essentially the same as claims 1-10 except that it sets forth the claimed invention as a digital device rather than an application and rejected for the same reasons as applied hereinabove.

With respect to claim 21, Rothmuller teaches selecting an information identifier option (i.e., tag keeper 300-350 in fig. 1). Rothmuller teaches selecting an item of information, including at least one of a media file, calendared event or time period to associate with the selected information identifier option (i.e., selecting a digital file in fig. 1). Rothmuller teaches creating information identifier data for the selected media file and storing the information identifier data with item of information metadata (i.e., dragging and dropping, sections 4-5 on page 1 and sections 18-19 on page 2).

With respect to claim 22, Rothmuller teaches identifying, visually, the item of information as associated with an information identifier (fig. 6).

With respect to claim 23, Rothmuller teaches selecting an information identifier option from a group consisting of bookmark identifier and annotation identifier (i.e., textual metadata and optionally a graphical metadata, section 5 on page 1).

With respect to claim 24, Rothmuller teaches creating a text message for the selected item of information (section 6 on page 1 and fig. 2).

With respect to claim 25, Rothmuller teaches altering, graphically, a representation of the item of information (sections 39-40 on pages 4-5).

With respect to claim 26, Rothmuller teaches creating a graphical enhancement for the selected item of information (sections 39-40 on pages 4-5 and section 5 on page 1).

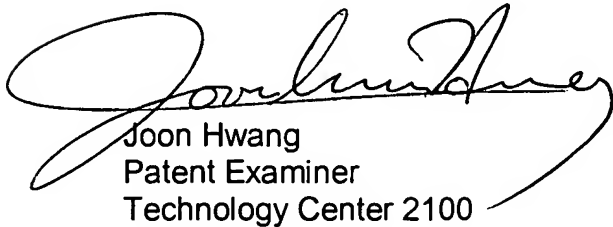
With respect to claim 27, Rothmuller teaches identifying the item of information with a bookmark identifier to indicate that the item of information has an associated text note (sections 4-6 on page 1, sections 18-19 on page 2, fig. 2, fig. 4, and fig. 6).

With respect to claim 28, Rothmuller teaches identifying the item of information with an annotation identifier that indicates a graphical enhancement for the visual representation of the item in a view of the media diary (sections 4-6 on page 1, sections 18-19 on page 2, sections 39-40 on pages 4-5, fig. 2, fig. 4, and fig. 6).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M~F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joon Hwang
Patent Examiner
Technology Center 2100

4/27/06